

## **REMARKS**

Applicants assert that the present invention is new, non-obvious and useful. Applicants respectfully request reconsideration of the above-identified application in view of the foregoing amendments and following remarks.

### **Status of Claims**

Claims 1–6 and 8–27 are pending in the application. Claim 7 has been canceled without prejudice or disclaimer. Claims 1, 8–9, 12–15, 20–21, 24, and 26–27 have been amended.

Independent claims 1, 15, and 21 have been voluntarily amended for clarification only. Dependent claims 8–9, 12–14, 20, 24, and 26–27 have been amended for consistency with the independent claims, and to correct typographic and/or clerical errors.

Applicants respectfully assert that the amendments to the claims add no new matter.

### **Remarks to the Drawings**

Figures 1–4 have been amended to match the specification and to correct typographical error. The entire drawing sheet containing each corrected drawing is enclosed for review in the Appendix.

### **Remarks to the Specification**

Applicants have corrected the informalities pointed out by the Examiner on page 3 of the Office Action, and respectfully request that the objection to the Specification be withdrawn. The amendments to the specification are editorial in nature and do not introduce new matter.

### **Claim Objections**

In the Office Action, the Examiner objected to claims 8–9 and 14–27 because of alleged informalities in claims 8, 9, 14, 15, 20, 21, 26, and 27, with claims 16–19 and 22–25 being directly or indirectly dependent thereon. Applicants have amended the claims to

APPLICANT(S): MEIR, Amir *et al.*  
SERIAL NO.: 10/562,808  
FILED: December 29, 2005  
Page 12

correct these informalities, and therefore request that the objection to the claims be withdrawn.

## **CLAIM REJECTIONS**

### **35 U.S.C. § 112 Rejections**

In the Office Action, the Examiner rejected claim 24 under 35 U.S.C. §112, second paragraph, as being indefinite due to lack of antecedent basis for the phrase “said amplitude”.

Applicants have amended claim 24 to recite “the amplitude of said signal” and thereby overcome the antecedent basis deficiency noted by the Examiner. Applicants respectfully assert that this amendment renders claim 24 proper under 35 U.S.C. §112 and request that the rejection be withdrawn.

### **35 U.S.C. § 102 Rejections**

In the Office Action, the Examiner rejected claims 1–20 under 35 U.S.C. §102(b), as being anticipated by Brown et al., U.S. Patent No. 6,259,682 (hereinafter “Brown”).

Applicants respectfully assert that Brown does not teach or suggest all of the features of amended independent claims 1 and 15, and consequently cannot anticipate these claims. Accordingly, it is respectfully submitted that the rejection under 35 U.S.C. § 102 should be withdrawn.

Amended independent method claim 1 recites, *inter alia*, “adjusting a gain ... and sustaining the output power level of said repeater substantially at a desired, predefined, level during operation of said network.” Likewise, amended independent apparatus claim 15 recites, *inter alia*, “a RF gain controller ... to sustain the output power level of said repeater substantially at a desired, predefined, level during operation of said network.”

It is respectfully submitted that Brown does not teach or suggest at least the above features of amended independent claims 1 and 15. Rather, Brown describes a closed loop transmitter having means for maintaining constant loop gain by varying the output power level of the transmitter output signal (*see* Brown, Abstract). Accordingly, Brown certainly

APPLICANT(S): MEIR, Amir *et al.*  
SERIAL NO.: 10/562,808  
FILED: December 29, 2005  
Page 13

does not teach varying a gain and sustaining an output power level of a repeater, as is claimed in Applicants' amended independent claims 1 and 15.

In addition, Applicants note that the system and method of Brown are directed to a mobile station and/or a base station, for example, as depicted in Figure 1 of Brown, whereas Applicants' claimed method and apparatus and system are directed to the output power level of a repeater. The preambles of amended independent claims 1, 15, and 21 have been voluntarily amended to clarify this point.

Furthermore, Applicants respectfully submit that the above-discussed features of amended independent claims 1 and 15 would not have been obvious to a person skilled in the art at the time the invention was made in view of the prior art references on record, specifically in view of Brown, alone or in combination with any other prior art references, including the reference of Jun cited by the Examiner in connection with the §102 rejection discussed below.

In view of the above, Applicants respectfully submit that amended independent claims 1 and 15 are patentable over the cited references. In addition, it is respectfully submitted that claims 2–14 and 16–20 are likewise patentable at least by their dependency from amended independent claims 1 and 15, respectively.

Accordingly, Applicants respectfully request that the rejections of claims 1–20 under 35 U.S.C. §102 be withdrawn.

In the Office Action, the Examiner rejected claims 21–23 and 26–27 under 35 U.S.C. §102(b), as being anticipated by Jun et al., U.S. Patent No. 6,374,119 (hereinafter “Jun”).

Applicants respectfully assert that Jun does not teach or suggest all of the features of amended independent claim 21, and consequently cannot anticipate this claim. Accordingly, it is respectfully submitted that the rejection under 35 U.S.C. § 102 should be withdrawn.

Amended independent system claim 21 recites, *inter alia*, “adjusting a gain of one or more components of said system based on traffic load characteristics sampled during operation of a network.” It is respectfully submitted that Jun does not teach or suggest at least this feature of amended independent claim 21.

APPLICANT(S): MEIR, Amir *et al.*  
SERIAL NO.: 10/562,808  
FILED: December 29, 2005  
Page 14

Jun describes a system and method for in-building mobile communications, including a repeater for performing power control. However, Jun does not relate to traffic load characteristics anywhere in the reference, and therefore certainly cannot teach adjusting a gain based on traffic load characteristics, as is required by Applicants' amended independent claim 21.

Furthermore, Applicants respectfully submit that the above features of amended independent claim 21 would not have been obvious to a person skilled in the art at the time the invention was made in view of the prior art references on record, specifically in view of Jun, alone or in combination with any other prior art references, including the reference of Brown cited by the Examiner in connection with the §102 rejection discussed above.

Accordingly, Applicants respectfully request that the rejections of claims 21–23, and 26–27 under 35 U.S.C. §102 be withdrawn.

### **35 U.S.C. § 103 Rejections**

In the Office Action, the Examiner rejected claims 24 and 25 under 35 U.S.C. §103(a) as being unpatentable over Jun. Applicants respectfully traverse this rejection in view of the remarks that follow.

As discussed above, Applicants respectfully submit that amended independent claim 21 is allowable over the cited references, specifically including the reference of Jun, alone or in combination with any other prior art reference.

Claims 24 and 25 both depend from claim 21, and therefore include all the elements of that claim, as well as additional distinguishing features. Thus, in addition to in addition to any independent basis for patentability, it is respectfully submitted that claims 24 and 25 are likewise allowable at least by virtue of their dependency.

Accordingly, Applicants respectfully request that the rejection of claims 24 and 25 under §103 be withdrawn.

APPLICANT(S): MEIR, Amir *et al.*  
SERIAL NO.: 10/562,808  
FILED: December 29, 2005  
Page 15

Finally, Applicants acknowledge the Examiner's citation of non-applied references on page 8 of the Office Action, and respectfully assert that the pending claims distinguish over this art. Applicants note that none of the amendments to the claims herein are in response to the above discussed prior art rejections.

### Conclusion

In view of the foregoing amendments and remarks, Applicants submit that the pending claims distinguish over the prior art of record and are in condition for allowance. Favorable consideration and passage to issue are therefore respectfully requested.

The Examiner is invited to telephone the undersigned counsel to discuss any further issues yet to be resolved in connection with this application.

Please charge any fees associated with this paper to deposit account No. 50-3400.

Respectfully submitted,

  
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